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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,418	01/15/2004	Kenji Satou	XA-9478B	3385

181 7590 04/22/2005

MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

EXAMINER
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ILAN, RUTH

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/757,418

Applicant(s)

SATOU ET AL.

Examiner

Ruth Ilan

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,6-8,11,13-15 and 20-32 is/are pending in the application.  
4a) Of the above claim(s) 2,3,7,8,13,15,20-25 and 28-31 is/are withdrawn from consideration.  
5) ☒ Claim(s) 6,11,26 and 32 is/are allowed.  
6) ☒ Claim(s) 14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 09/855,637.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/15/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The preliminary amendment of January 15, 2004 is acknowledged. An action on the merits follows.

#### ***Election/Restrictions***

1. Applicant's election without traverse of Species IX, Figures 55-66 in the reply filed on 1/7/05 is acknowledged. The Applicant asserts that claims 6,11,14, 23-27 and 32 are drawn to the elected embodiment. The Examiner respectfully disagrees. Regarding claims 23-25, and 27 the limitation of the plunger of the electromagnetic actuator being adsorptively held in a predetermined position by a permanent magnet is only found in Species XI, as shown in Figures 94 and 95.
2. Claims 2, 3, 7, 8, 13, 15, 20-25, and 28-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:  

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 27 is directed to a steering column that

includes a power steering apparatus. The only embodiments that disclose a power steering apparatus are shown in Figures 9 and 88, which are those embodiments that include metal balls, and not certain additional features of claim 27, including those of claim 6, such as the metal plate.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Rhouma et al. (US 6,234,528 B1.) Ben-Rhouma et al. teaches an impact absorbing steering column apparatus (6) that is provided with an energy absorbing device that absorbs energy of a secondary collision of an occupant upon collision of a vehicle (windings 41-43 as taught in col. 6, lines 13-34 and Figure 3.) The system includes an energy absorption quantity adjusting device that changes the secondary energy absorption quantity of the device (30,31). There is an electric control device that controls a drive (30, see col. 2, line 47) based on detection by a sensor that detects a condition of the occupant (see col. 10, lines 2-12.) There are three windings, and as such there are three levels of energy absorption or three stages.

***Allowable Subject Matter***

7. Claims 6, 11, 26 and 32 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: Claims 6 and 11 are the independent claims, and include the steering column with the energy absorption device that is between the steering column and the supporting release bracket. The device is a metal plate that absorbs energy by fracture or fracture and bending with a shift in the column. The quantity of energy that can be absorbed is adjusted by a device (claim 11 or controller (claim 6). The closest prior art includes Desjardins et al., which teaches the metal plate absorber, but does not disclose a device that adjusts energy. Known adjustable steering column energy devices include engaging selective windings, and do not include fracture. A combination of these limitations and the other recited features was not reasonably found in the prior art.

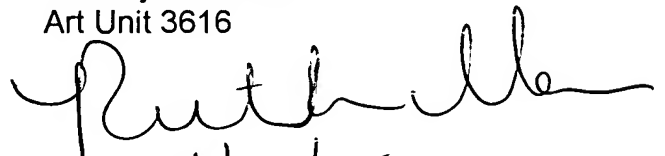
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RI  
4/15/05

Ruth Ilan  
Primary Examiner  
Art Unit 3616



4/15/05